

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF  
TENNESSEE WESTERN DIVISION

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BRENT A. ROWAN,

Plaintiff,

vs.

No. 2:14-cv-2258-JDT-cgc

MONROE GIBBS,

Defendant.

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REPORT AND RECOMMENDATION

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On April 8, 2014, Plaintiff Brent A. Rowan, a resident of Memphis, Tennessee, filed a pro se complaint pursuant to 28 U.S.C. § 1983. (D.E.# 1.) However, Plaintiff neglected to pay the \$400.00 civil filing fee or submit a properly completed application to proceed in forma pauperis.

In an order issued on August 6, 2014, the Court ordered the Plaintiff to file a properly completed application to proceed in forma pauperis or pay the appropriate civil filing fee within thirty (30) days of the entry of the order. (D.E. # 3) Plaintiff has not complied with that order and the time set for compliance has expired.

The August 6, 2014 Order provided, in pertinent part, that “[f]ailure to comply with this order in a timely manner will result in dismissal of this action... pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.” Id. See also, Taman v. Chertoff, et al, 07-cv-2247-SHM-dkv, Order of Dismissal (D.E. # 4) April 30, 2008. It is therefore RECOMMENDED that Plaintiff’s complaint be DISMISSED WITHOUT PREJUDICE, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

Signed this 4<sup>th</sup> day of November, 2014.

s/ Charmiane G. Claxton  
CHARMIANE G. CLAXTON  
UNITED STATES MAGISTRATE JUDGE

**ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN  
FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28  
U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS  
WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS,  
EXCEPTIONS, AND ANY FURTHER APPEAL.**